

## **MINUTES OF MEETING**

### ***DAVENPORT ROAD SOUTH COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS' MEETING***

*Thursday, March 9, 2017 at 9:30 a.m.*

*Offices of Cassidy Homes*

*346 East Central Ave.,*

*Winter Haven, Florida 33880*

Board Members present at roll call:

Scott Shapiro	Board Member	
Lauren Schwenk	Board Member	
Phillip Allende	Board Member	
Rennie Heath	Board Member	
Andrew Rhinehart	Board Member	(via phone)

Also Present:

Roy Van Wyk	Hopping Green & Sams, P.A.
Jane Gaarlandt	Fishkind & Associates, Inc.
Joe MacLaren	Fishkind & Associates, Inc. (via phone)
John Mazuchowski	Cassidy Homes
Sharon Garrett	Home owner

### **FIRST ORDER OF BUSINESS**

### **Call to Order and Roll Call**

The meeting was called to order at 9:30 a.m. Those in attendance are outlined above.

### **SECOND ORDER OF BUSINESS**

### **Public Comment Period**

There were public comments at this time.

### **THIRD ORDER OF BUSINESS**

### **Consideration of the Minutes of the February 9, 2017 Landowners' Meeting and Board of Supervisors' Meeting**

The Board reviewed the minutes of the February 9, 2017 Landowners' Meeting and Board of Supervisors' Meeting.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board approved the Minutes of the February 9, 2017 Landowners' Meeting and Board of Supervisors' Meeting.

**FOURTH ORDER OF BUSINESS**

**Public Hearing of the District's  
Fiscal Year 2016-2017 Budget**

- a) Public Comments and Testimony**
- b) Board Comments**
- c) Consideration of Resolution 2017-29, Adopting Fiscal Year 2016-2017 Budget and Appropriating Funds**

Ms. Gaarlandt explained that the District advertised several public hearings for today's meeting. Mr. Van Wyk noted that they will call one public hearing open and then do all of the items under that public hearing and then it will be closed. Mr. Van Wyk requested a motion to open the public hearing.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, the Board opened the Public Hearing.

Ms. Gaarlandt noted that there are no changes to the budget that was proposed budget presented at the last meeting. It shows the full fiscal year and the portion of it that will cover the remainder of Fiscal Year 2017. It is a Developer Funded Budget so the expenses will be paid on an as incurred basis. Mr. Heath made a comment about the website fee. Mr. Van Wyk responded that the increase is due to additional State Statutory requirements. There were no other questions. Mr. Van Wyk requested a motion to approve Resolution 2017-29.

On MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Board approved Resolution 2017-2,9 Adopting the Fiscal year 2016-2917 Budget and Appropriating Funds.

**FIFTH ORDER OF BUSINESS**

**Public Hearing on the Adoption of District Rules and Procedures**

- a) **Public Comments and Testimony**
- b) **Board Comments**
- c) **Consideration of Resolution 2017-30, Adopting Rules of Procedure**

Mr. Van Wyk explained that these are the Rules of Procedure that the District follows in its operations. The District is required by Statute to adopt rules to show exactly what the District needs to do in response to bidding for Engineering Services, Construction Services, Maintenance, and it is the procedures that the District must follow for the operation of the Board and for challenges to the Board, etc. It is the District's operating protocols. Mr. Van Wyk asked Ms. Garrett if she had any public comments on the District's rules of Procedure. Ms. Garrett asked that page numbers be added.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, the Board approved Resolution 2017-30, Adopting Rules of Procedure.

**SIXTH ORDER OF BUSINESS**

**Public Hearing on the District's Use of the Uniform Method of Levying, Collection and Enforcing Non Ad-Valorem Assessments**

- a) **Public Comments and Testimony**
- b) **Board Comments**
- c) **Consideration of Resolution 2017-30, Adopting Rules of Procedure**

Mr. MacLaren explained that this resolution allows the District to collect assessments on the County Property Tax Bill and noted that it is the best method for collecting assessments and recommended approval of the resolution. Mr. Heath asked what other ways the District could collect assessments as Chapter 190 is open on how the District can collect its assessments. Mr. Van Wyk explained that this is the process for the District to be able to collect assessments on the Tax Roll and the State law allows the District to use the services of the Tax Collector and the Property Appraiser for collecting

their Special Assessment but the District has to go through a process which includes sending notice to everyone who would be subject to the collection procedures, advertise, which Ms. Gaarlandt confirmed was completed as required by Statute, and the District must adopt this resolution, which will be submitted to the Tax Collector and the Property Appraiser. After that, the District will enter into an agreement with the two parties for the collection of assessments on roll when the District decides to start using their services. This is required to be in place for all platted lots. Mr. Van Wyk explained that direct collecting is a more difficult way to collect and it is a different enforcement process. When using the Uniform Method it goes to Tax Certificate and Tax Deed but if the District direct collects and there is a non-payment the District goes straight to the foreclosure process. Mr. Van Wyk explained that the District tries to use the Uniform Method because it is easier, cleaner, and neater. A discussion took place. Ms. Garrett asked if the resident could get less if it went into a foreclosure sale and Mr. Van Wyk responded that she could and noted that the District has gotten much less in those situations. Ms. Garrett asked if a homeowner could prepay the Bond assessment for the term. Mr. Heath and Mr. Van Wyk explained that a homeowner can pay it off early for as much as they want in both partial and full payments. Mr. Van Wyk noted that there are not many who pay it off because it does not make sense to pay off a 30 year note in advance and that the homeowners are better off paying the annual installment. Ms. Garrett commented that it could be a selling point. A discussion took place regarding prepayment of the bond assessment. There were no other questions. Mr. Van Wyk requested a motion to approve Resolution 2017-31.

On MOTION by Ms. Schwenk, seconded by Mr. Heath, with all in favor, the Board approved Resolution 2017-31, Adopting the Uniform Method.

Mr. Van Wyk requested a motion to close the public hearing.

On MOTION by Mr. Shapiro, seconded by Mr. Heath, with all in favor, the Board closed the Public Hearing.

## **SEVENTH ORDER OF BUSINESS**

## **Consideration of Funding Request No. 2**

Mr. Gaarlandt asked for the Board to approve Funding Request No. 2.

On MOTION Mr. Heath, seconded by Mr. Rhinehart, with all in favor, the Board approved Funding Request No. 2 in the amount of \$4,706.92.

**EIGHTH ORDER OF BUSINESS**

**Review of Monthly Financials**

The Board reviewed the monthly financials. Mr. Van Wyk explained to Ms. Garrett that the Budget is a framework because there are no assessments levied and the Developer pays whatever costs are associated with the line items in the budget. There was no action required by the Board.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**District Counsel** – No Report  
**Interim Engineer** – No Report  
**District Manager** – No Report

**NINTH ORDER OF BUSINESS**

**Supervisor Requests and Audience Comments**

There were no Supervisor requests. Ms. Garrett asked that the District add the website to the agenda package. Ms. Gaarlandt noted that she would do so.


**TENTH ORDER OF BUSINESS**

**Adjournment**

There were no other questions or comments. Ms. Gaarlandt requested a motion to adjourn.

ON MOTION by Mr. Heath, seconded by Ms. Schwenk, with all in favor, the Thursday, March 9, 2017 Board of Supervisors' Meeting was adjourned.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman